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9 UNITED STATES BANKRUPTCY COURT
10 NORTHERN DISTRICT OF CALIFORNIA

11 In re:

12 JAMES JIN QING LI,
13 Debtor,

Chapter 7
Case No. 12-33630

MOTION FOR RELIEF FROM STAY

R.S. No.

[11 U.S.C. § 362]

Date: May 13, 2013

Time 2:00 p.m.

Courtroom: 23

Judge: Hannah L. Blumenstiel

Bankruptcy Court: 235 Pine Street, 23rd Floor,
Courtroom, San Francisco, California

20 To the Hon. Hannah L. Blumenstiel, Bankruptcy Judge, and to the Clerk of the Court, the Debtor,
21 Counsel for the Debtor, the Trustee, and counsel for the Trustee:

22 NOTICE IS HEREBY GIVEN that on May 13, 2013, at 2:00 p.m. or as soon thereafter as the
23 matter may be heard in Courtroom 23 of the Hon. Hannah L. Blumenstiel, Judge of the United States
24 Bankruptcy Court, located at 235 Pine Street, 23rd Floor, San Francisco, CA 94104, a preliminary hearing
25 will be held on Movant, Stephanie Rosen's, motion for an order granting relief from the automatic stay of
26 11 U.S.C. §362.

27 **NOTICE IS HERBY FURTHER GIVEN THAT IN THE EVENT THE DEBTOR FAILS**
28

1 **TO APPEAR EITHER PERSONALLY OR THROUGH COUNSEL AT THE SCHEDULED**
2 **HEARING, DEBTOR'S DEFAULT MAY BE ENTERED AND RELIEF GRANTED AS PRAYED**
3 **HEREIN.**

4 This motion of Stephanie Rosen ("Movant") respectfully represents:

5 1. The bankruptcy court has jurisdiction of this matter under 28 U. S. C. § 1334 and 11 U.S.C. §
6 362.

7 2. Movant is an individual, a creditor of the debtor, and a real party in interest.

8 3. A voluntary petition, under Chapter 7 of Title 11 of the United States Code, was filed herein on
9 December 31, 2012.

10 4. A judgment against the Debtor entered in the Superior Court of California, County of San Mateo
11 bearing Case Number CIV-440930 is secured on Debtor's real and personal properties, including Debtor's
12 intangible properties, by virtue of Abstracts of Judgments, a judgment lien filed with the California
13 Secretary of State and the service on debtor of an Order of Examination.

14 5. Movant seeks relief from the automatic stay of 11 U.S.C. § 362 to:

15 A. Defend the appeal before the Appellate Court of the State of California, First Appellate
16 District, bearing Case Number A137146 brought by Debtor, among others

17 B. Levy on and sell Debtor's interest in the following real properties, which properties
18 debtor's Schedule A lists having values less than the liens on the properties, as follows:

Property	Value – Schedule A	Liens – Schedule A
112 Palm Avenue, Millbrae, Ca.	\$275,000	\$2,130,000
1605 Jerold Avenue and 912 Newhall, San Francisco, Ca.	\$200,000	\$400,000
12 Garibaldi Street, Daly City, Ca.	\$112,500	\$494,899
Vacant lots in Coral Ridge, Pacifica, Ca. (2)	\$300,000	\$1,300,000

24 C. Levy on and sell the Debtor's interest in the following real properties which properties are
25 not listed on debtor's schedules:

26 (1) Debtor's leasehold interest in the real property in the Westgate Shopping Center
27 commonly known as 209 Southgate Avenue, Daly City, California

28 D. Levy on and sell or charge, appoint a receiver over and foreclose on Debtor's interest in

1 the following tangible and intangible properties, as appropriate under California law:

- 2 (1) J. Li and Associates, Inc. and J. Li and Associates, and the account receivables of J. Li
- 3 and Associates and J. Li and Associates, Inc.;
- 4 (2) Cabrillo Construction, Inc.;
- 5 (3) Mayfair International, Inc.;
- 6 (4) One San Bruno, LLC;
- 7 (5) 277 San Francisco, LLC;
- 8 (6) High Camp, Inc.;
- 9 (7) Texas Development, Inc., a suspended California corporation;
- 10 (8) Texas Development, Inc., a suspended Nevada corporation;
- 11 (9) Debtor's interest in Hong Kong Chef Restaurant;
- 12 (10) A promissory note for \$222,400 secured by the real property commonly known as 1 San
- 13 Bruno Avenue, Unit D, Brisbane, California;
- 14 (11) Portola Valley Development, LLC;
- 15 (12) Pacific View, LLC;
- 16 (13) La Mian Group, Inc. dba Hong Kong Chef Restaurant;
- 17 (14) Qiong Hua Restaurant, Inc.;
- 18 (15) 1998 R & J Investments, LLC;
- 19 (16) Willow Creek Group, Inc.;
- 20 (17) Reba Construction, Inc.;
- 21 (18) 2933 San Juan, LLC;
- 22 (19) That certain lease between Debtor, as landlord, and All Good Pizza as leasee;

23 E. Levy on and sell such other properties of Debtor on which Movants, or either of them, have a
24 lien by virtue of the judgment entered in the Superior Court of California, County of San Mateo in Case
25 Number CIV-440930;

26 F. Prosecute Movant, Stephanie Rosen's, action filed in the Superior Court of California, County
27 of San Mateo Superior Court bearing Case Number CIV-497737, to set aside various fraudulent
28 conveyances alleged to have been committed by Debtor, among others and to allow Movant, Mike Rosen,

1 to intervene in said action as a plaintiff;

2 G. To set aside other fraudulent conveyances by Debtor to his spouse, or former spouse, Xiao
3 Yan Chen;

4 H. Levy on and sell Debtor's interest in such other properties as were fraudulently conveyed by
5 Debtor on which Movants, or either of them, have a lien by virtue of the judgment entered in the Superior
6 Court of California, County of San Mateo in Case Number CIV-440930.

7 6. Movant requests that Fed. R. Bank. P. 4001(a)(3) be waived.

8 Wherefore Movants pray for an order vacating the automatic stay of 11 U.S.C. § 362 and
9 permitting Movants to:

10 1) To defend the appeal before the California Court of Appeal, First Appellate District, in
11 Case Number A137146 brought by Debtor, among others;

12 2) To pursue postjudgment efforts to collect the judgment issued by the Superior Court of
13 California, County of San Mateo in Case Number CIV-440930 to the extent of Movants' liens on the
14 Debtor's assets;

15 3) Prosecute the fraudulent conveyance case filed in San Mateo Superior Court bearing Case
16 Number CIV 497737, including relief to amend the complaint to include the properties described in
17 paragraph 5(G) above, to allow Movant Mike Rosen to intervene in said action; and

18 4) For such other and further relief as is just and proper.

19 Dated: April 23, 2013

/s/ Lawrence D. Miller
LAWRENCE D. MILLER
Attorney for Creditor, Stephanie Rosen

22 Dated: April 23, 2013

/s/ Mike Rosen
MIKE ROSEN
Creditor in Pro Per